United States Department of Labor Employees' Compensation Appeals Board

G.A., Appellant	
G.A., Appenant)
and) Docket No. 19-1080) Issued: January 2, 2020
U.S. POSTAL SERVICE, POST OFFICE,) issued. Sandary 2, 2020
Los Angeles, CA, Employer)
	_)
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

ORDER REMANDING CASE

Before: CHRISTOPHER J. GODFREY, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge

On April 16, 2019 appellant filed a timely appeal from an April 3, 2019 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned this case Docket No. 19-1080.

The Board has duly considered the matter and notes that in the case of *William A. Couch*¹ it held that when adjudicating a claim OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.

On February 12, 2019 appellant, then a 48-year-old customer care agent, filed an occupational disease claim (Form CA-2) alleging that he experienced lower back pain due to factors of his federal employment, which included sitting for 8 to 10 hours a day. Appellant submitted a narrative statement and a February 11, 2019 doctor's note as evidence.

In a February 28, 2019 development letter, OWCP advised appellant that additional evidence was required in support of his claim for compensation benefits. It noted that no diagnosis of a condition resulting from his employment had been received. OWCP requested that appellant submit a comprehensive narrative medical report from a qualified physician that included a

¹ 41 ECAB 548 (1990).

diagnosis and an opinion, supported by medical rationale, addressing how the claimed employment incident caused or aggravated a medical condition. It afforded him 30 days to submit the requested medical evidence.

In response, on April 2, 2019 appellant submitted November 21, 2018 medical records, November 22, 2018 blood test results, and December 20, 2018 and February 11, 2019 progress notes.

By decision dated April 3, 2019, OWCP denied appellant's occupational disease claim finding that the medical evidence of record was insufficient to establish that a medical condition was diagnosed in connection to the accepted employment factors. It found that, "[y]ou were provided 30 days to submit the requested information. No further evidence was received." OWCP did not note receipt or consideration of the November 21, 2018 medical records, November 22, 2018 blood test results, the December 20, 2018 progress notes or the February 11, 2019 progress notes.

The Board finds that OWCP, in its April 3, 2018, decision, did not review the November 21, 2018 medical records, the November 22, 2018 blood test results, the December 20, 2018 progress notes, or the February 11, 2019 progress notes. Whether OWCP receives relevant evidence on the date of the decision or days before, such evidence must be considered.² As the Board's decisions are final as to the subject matter appealed, it is crucial that all evidence relevant to the subject matter of the claim properly submitted to OWCP be reviewed and addressed.³ For this reason, the case will be remanded to OWCP to enable it to properly consider all the evidence submitted at the time of the April 3, 2019 decision. Following such further development as OWCP deems necessary, it shall issue a *de novo* decision on the claim. Accordingly,

² T.J., Docket No. 14-1854 (issued February 3, 2015); J.J., Docket No. 12-1062 (issued December 12, 2012); William McKennon, 51 ECAB 145 (1999).

³ T.J., id.; see Yvette N. Davis, 55 ECAB 475 (2004).

IT IS HEREBY ORDERED THAT the April 3, 2019 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

Issued: January 2, 2020 Washington, DC

> Christopher J. Godfrey, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board